

REMARKS

Claims 1-4 and 18-21 remain in the application with claims 1-4 and 18-21 having been amended hereby. Claims 5-17 and 22-34 and 36-39 are canceled hereby without prejudice or disclaimer. Claim 35 was previously canceled.

Reconsideration is respectfully requested of the rejection of claims 1-4 and 18-21 under 35 U.S.C. 103(a) as being unpatentable over Ginter et al. (U.S. Patent 5,892,900) in view of Garfinkle et al., (U.S. Patent 6,017,157).

Independent claim 1 relates to an image commercial transactions system comprising a reception dealer for accepting a request for a sale of the digital image. A handling condition is associated with the digital image. A selection of the receiver side is accepted from a plurality of receiver sides. The digital image is sold with the handling condition in a digital data format. The digital image is transferred with the handling condition in the digital data format to the selected receiver side via an Internet line. A charge accounting dealer effects an electronic charge accounting transaction for a purchase of the digital image data with the handling condition in the digital data format. The reception dealer transfers the photographic image data that represents a thumbnail image and further transfers audio data associated with the digital image. The thumbnail image and the

audio data are simultaneously played on a portable music player.

Ginter et al. relates to computer-based technologies that help to ensure that information is accessed and/or otherwise used only in authorized ways. Rights of various participants are protected in electronic commerce and other electronic or electronically-facilitated transactions.

Garfinkle et al. relates to a method of processing digital images of at least one photographic image and distributing visual prints produced from the digital images. At least one digital image of at least one photographic image is processed and visual prints are distributed in various formats corresponding to the at least one digital image.

Neither Ginter et al. nor Garfinkle et al., taken alone or in combination, teach or suggest that the photographic image data representing a thumbnail image is transferred or handled along with audio data associated with the digital image and that the thumbnail image and the audio data are simultaneously played on a portable music player.

For at least this reason, claims 1-4 and 18-21, as amended, are patentable over the cited art.

Therefore, by reason of the amendments made to the claims hereby, as well as the above remarks, it is respectfully submitted that image commercial transaction system and method, as

taught by the present invention and as recited in the amended claims, is neither shown nor suggested in the cited references.

The references cited as of interest have been reviewed and are not seen to show or suggest the present invention as recited in the amended claims.

Entry of this amendment is earnestly solicited, and it is respectfully submitted that the amendments made to the claims hereby raise no new issues requiring further consideration and/or search, because all of the features of this invention have clearly been considered by the examiner in the prosecution of this application and because the present amendments serve only to further define and emphasize the novel features of this invention.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

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